

FOR THE DISTRICT OF ARIZONA

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

- Ann Marie Pickraum

- N/A

- N/A

- New Jersey

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New Jersey

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New Jersey

7. District Court and Division in which venue would be proper absent direct filing:

New Jersey District Court, Newark Division

8. Defendants (check Defendants against whom Complaint is made):

☐ C.R. Bard, Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☒ Other: MDL 2641 Centralization

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

 G2® Vena Cava Filter

☐ G2® Express Vena Cava Filter

☐ G2® X Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

January 14, 2009

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence – Design

☒ Count V: Negligence – Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable New Jersey (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive
Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☒ Other(s): All claims for Relief set forth in the Master Complaint for an
amount to be determined by the trier of fact including for the following:
(please state the facts supporting this Count in the space immediately
below)

On or about April 19, 2016, a CT scan showed the proximal portion of
the inferior vena cava filter is tilted to the right and portions of the legs
which extend beyond the confines of the inferior vena cava and abut the
abdominal aorta.

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

1 RESPECTFULLY SUBMITTED this 1st day of October, 2019.

2
3 **FLEMING, NOLEN & JEZ, L.L.P.**

4 By: /s/ Rand P. Nolen
5 Rand P. Nolen (Pro Hac Vice)
6 2800 Post Oak Blvd., Suite 4000
7 Houston, Texas 77056-3109
8 Telephone: (713) 621-7944
9 Facsimile: (713) 621-9638
10 Email: rand_nolen@fleming-law.com
11 *Attorneys for Plaintiffs*

12
13 I hereby certify that on this 1st day of October, 2019, I electronically transmitted the
14 attached document to the Clerk's Office using the CM/ECF System for filing and
15 transmittal of a Notice of Electronic Filing.
16
17
18
19
20
21
22

13 /s/ Rand P. Nolen